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Attorney Docket No.: PATENT
SONY-28900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Group Art Unit: 2154
Edward Eytchison	)	Examiner: Turner, Ashley D.
Serial No.: 10/763,869	)	<u>TRANSMITTAL LETTER</u>
Filed: January 22, 2004	)	162 N. Wolfe Road
For: METHODS AND APPARATUSES	)	Sunnyvale, CA 94086
FOR DISCOVERY AND	)	(408) 530-9700
NOTIFICATION OF SERVICES	)	Customer No. 28960

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed please find a Petition to Revive Abandoned Application and Declaration of Jonathan O. Owens, Esq., including Exhibits A-F, for filing in the U.S. Patent and Trademark Office. Also enclosed is a check in the amount of \$510.00 for the Petition fee.

The Commissioner is hereby authorized to charge any additional fee or credit overpayment to our Deposit Account No. 08-1275.

Respectfully submitted,

HAVERSTOCK & OWENS LLP

Dated: September 8, 2008

By: Jonathan O. Owens
Jonathan O. Owens
Reg No.: 37,902

Attorneys for Applicants

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP

Date: 9/8/08 By: [Signature]



PATENT
Attorney Docket No.: SONY-28900

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Eytchison

Serial No.: 10/763,869

Filed: January 22, 2004

For: **METHODS AND APPARATUSES
FOR DISCOVERY AND
NOTIFICATION OF SERVICES**

) Group Art Unit: 2154

) Examiner: Turner, Ashley D.

) **PETITION TO REVIVE
ABANDONED APPLICATION**

) 162 North Wolfe Road
) Sunnyvale, California 94086
) (408) 530-9700

) Customer No.: 28960

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition under 37 C.F.R. § 1.137(a) to revive the above-captioned Patent Application as being abandoned due to unavoidable delay. In the alternative, the Applicants hereby petition under 37 C.F.R. § 1.137(b) to revive the above-captioned Patent Application as being abandoned due to unintentional delay.

The Application was originally filed on January 22, 2004. On January 31, 2005, an Information Disclosure Statement (IDS) was filed and received at the USPTO on February 7, 2005. On August 25, 2005, a Notice under 37 C.F.R. §1.251 was mailed indicating the filed IDS was not able to be located after a reasonable search. Applicants responded to the Notice several times including the IDS and the reference, in addition to communicating with the USPTO that the application was not to be abandoned. However, in spite of all of the attempts by the Applicants, the IDS was still never received, and the application went abandoned.

The Application Should Be Revived

The Applicants submit herewith the attached declaration of Jonathan O. Owens in support of a finding that the above-captioned patent application was unavoidably abandoned.

Furthermore, Applicants submit a copy of the IDS that was not able to be located by the USPTO.

09/11/2008 RNEBRAHT 00000010 10763869

01 FC:1452

510.00 OP

Jonathan O. Owens is one of the attorneys at Haverstock & Owens LLP for the assignee of the above-captioned U.S. Patent application. (Declaration of Owens, ¶1) In response to a telephone call from the USPTO, a copy of an Information Disclosure Statement (IDS) mailed on January 31, 2005 (dated February 7, 2005) was faxed to Lucy Hatkins of the USPTO on July 14, 2005. (Declaration of Owens, ¶2) A Notice under 37 C.F.R. §1.251 indicating the IDS mailed on January 31, 2005 (dated February 7, 2005) could not be located after a reasonable search was received at Haverstock & Owens LLP with a mail date of August 25, 2005. (Declaration of Owens, ¶3) Upon receiving the Notice, Haverstock & Owens LLP mailed a response to the Notice and included a copy of the IDS with the cited reference, on September 14, 2005. (Declaration of Owens, ¶4) After sending the response with the IDS, I spoke with Examiner Nathan Flynn. (Declaration of Owens, ¶5) Examiner Nathan Flynn informed me that the USPTO still had not received a copy of the IDS with the cited reference. (Declaration of Owens, ¶5) I informed him that the IDS with the reference had been re-sent already on September 14, 2005. (Declaration of Owens, ¶5) I also informed him that the IDS with the reference would be sent yet again to ensure proper prosecution of the application. (Declaration of Owens, ¶5) On January 23, 2007, based on the conversation I had with Examiner Nathan Flynn, I faxed the response to the Notice which again included a copy of the IDS with the cited reference. (Declaration of Owens, ¶6) The response was faxed directly to Examiner Nathan Flynn. (Declaration of Owens, ¶6) Without any further contact from Examiner Nathan Flynn, Haverstock & Owens LLP received a Notice of abandonment for failure to receive the IDS. (Declaration of Owens, ¶7). The Notice of abandonment was mailed on April 18, 2008. (Declaration of Owens, ¶7) Applicants and their attorneys assumed the response which included a copy of the IDS and the cited reference was accepted or at least that Examiner Nathan Flynn would contact us further if the response were not received, since it was clear from the telephone conversation that a response was forthcoming.

After the abandonment of the application had already taken place, Examiner Ashley Turner called to inform me of the abandonment of the application. (Declaration of Owens, ¶8) I informed her that the IDS with the reference had been re-sent on January 23, 2007 and that the abandonment was improper. (Declaration of Owens, ¶8) Examiner Ashley Turner again requested I fax the IDS with the reference. (Declaration of Owens, ¶8) On May 6, 2008, I faxed another response to the Notice including a copy of the previous fax sent on January 23, 2007 which included the IDS with the cited reference. (Declaration of Owens, ¶9) Since sending the fax on May 6, 2008, I have attempted to call Examiner Ashley Turner several times to ascertain the status of the application, but there was no response nor voicemail for her listed telephone

number. (Declaration of Owens, ¶10) Additionally, I have left several voicemails for Examiner Nathan Flynn to obtain the status of the application, but he has not responded. (Declaration of Owens, ¶11) Applicants, and their representatives, have made every attempt to further prosecution of the application, but due to the lack of responsiveness of the Examiners, the application has unavoidably become abandoned.

The Delay Was Unavoidable

After the IDS for the Patent Application was filed with the USPTO and was subsequently unable to be found by the USPTO, Applicants have attempted to do all that was required to further prosecution. Applicants have submitted a copy of the IDS with the reference at least three separate times after receiving the notice that the USPTO could not find the original. Applicants informed Examiner Ashley Turner and Primary Examiner Nathan Flynn of their desires to continue prosecution and faxed the required paperwork specifically to Examiner Nathan Flynn only to have the application still go abandoned when no action was taken by the USPTO. It was not the Applicants fault that the application went abandoned, and without cooperation by the USPTO, there was nothing Applicants could do to prevent the abandonment of the Application. This Application should never have been abandoned and never would have been abandoned if the USPTO had properly performed its duties in prosecuting the Application.

The Applicants' attorneys believe that they were reasonably relying on the Examiners at the USPTO to cooperate and assist in prosecuting this Application. Unfortunately, in this instance, there were issues with communication between the Applicants' attorneys and the USPTO. As previously stated by the Commissioner,

[t]he word unavoidable is applicable to ordinary human affairs, and requires no more or greater care than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present." In re Katrapat, AG, 6 USPQ2d 1863 (Comm'r Pats. 1988) quoting, Ex parte Pratt, 1187 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887).

Applicants' attorneys did not delay in filing this petition. With this petition, Applicants are also submitting the declaration of Jonathan O. Owens in support of a finding that the above-captioned patent application was unavoidably abandoned and the requisite fees. Furthermore

Applicants submit a copy of the response to the Notice under 37 C.F.R. §1.251, which includes a copy of the IDS and the reference.

Applicants and their attorneys hereby request that the delay is considered unavoidable, that this application is revived and that the response to the Notice under 37. C.F.R. §1.251, including a copy of the IDS and the reference, is accepted.

The Delay Was at Most Unintentional

Although the Applicants appear to meet the standard for unavoidable delay, it can also be shown that the Applicants meet the standard for unintentional delay. Applicants intended to fully pursue the '869 Patent Application to issuance. (Declaration of Owens, ¶12) Accordingly, the Applicants never intended to abandon the above-captioned patent application. It was only due to communication issues between Applicants' representatives and the USPTO. Therefore, the above-captioned patent application was at most unintentionally abandoned, if not also unavoidably abandoned. Accordingly, Applicants and their attorneys hereby request that this application is revived and that the application proceed on the merits.

Enclosed is the petition fee, a Declaration of Jonathan O. Owens in Support of Petition, a copy of the Notice of Abandonment, a copy of the Notice under 37. C.F.R. §1.251 and a copy of the response to the Notice under 37. C.F.R. §1.251 including the IDS and the reference.

The Applicants hereby petition for the revival of the patent application and for the application to proceed on the merits.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: September 8, 2008

By: Jonathan O. Owens
Jonathan O. Owens
Reg. No. 37,902
Attorneys for Applicant

CERTIFICATE OF MAILING (37 CFR § 1.8(a))
I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 9/8/08



PATENT
Attorney Docket No.: SONY-28900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Group Art Unit: 2154
)	
Eytchison	)	Examiner: Turner, Ashley D.
)	
Serial No.: 10/763,869	)	DECLARATION OF JONATHAN O.
	)	OWENS, ESQ.
Filed: January 22, 2004)	
	)	162 N. Wolfe Road
For: METHODS AND APPARATUSES	)	Sunnyvale, California 94086
FOR DISCOVERY AND	)	(408) 530-9700
NOTIFICATION OF SERVICES)	
)	
	)	Customer No. 28960

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir or Madam:

1. My name is Jonathan O. Owens, Esq. I am one of the attorneys at Haverstock & Owens LLP for the assignee of the above-captioned U.S. Patent application.
2. In response to a telephone call from the USPTO, a copy of an Information Disclosure Statement (IDS), initially mailed on January 31, 2005 (dated February 7, 2005), was faxed to Lucy Hatkins of the USPTO on July 14, 2005. A copy of this fax and the confirmation are attached as Exhibit A.
3. A notice under 37 C.F.R. §1.251 indicating the IDS mailed on January 31, 2005 (dated February 7, 2005) could not be located after a reasonable search was then received at Haverstock & Owens LLP with a mail date of August 25, 2005. A copy of the notice under 37 C.F.R. §1.251 is attached as Exhibit B.

4. Upon receiving the notice, Haverstock & Owens LLP mailed a response to the notice and included a copy of the IDS with the cited reference, on September 14, 2005. A copy of this response is attached as Exhibit C.
5. Via telephone, I spoke with Examiner Nathan Flynn when he informed me that the USPTO still had not received a copy of the IDS with the cited reference, and I informed him that the IDS with the reference had been re-sent already on September 14, 2005, but would be sent again.
6. On January 23, 2007, based on the conversation I had with Examiner Nathan Flynn, I faxed, directly to him, the response to the notice which again included a copy of the IDS with the cited reference. A copy of this fax and the confirmation are attached as Exhibit D.
7. Haverstock & Owens LLP received a notice of abandonment for failure to receive the IDS; the notice of abandonment was mailed on April 18, 2008. A copy of the notice of abandonment is attached as Exhibit E.
8. Examiner Ashley Turner called to inform me of the abandonment of the application, and I informed her that the IDS with the reference had been re-sent on January 23, 2007 and that the abandonment was improper. The Examiner again requested I fax the IDS with the reference.
9. On May 6, 2008, I faxed another response to the notice including a copy of the previous fax sent on January 23, 2007 which included the IDS with the cited reference. A copy of this fax and the confirmation are attached as Exhibit F.


PATENT

Attorney Docket No.: SONY-28900

10. Since sending the fax on May 6, 2008, I have attempted to call Examiner Ashley Turner several times to ascertain the status of the application, but there was no response nor voicemail for the listed telephone number.
11. Additionally, I have left several voicemails for Examiner Nathan Flynn to obtain the status of the application, but he has not responded.
12. The assignees, Sony Corporation and Sony Electronics, Inc., and their representatives, never intended to abandon this application.
13. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Respectfully submitted,

Date: September 8, 2008

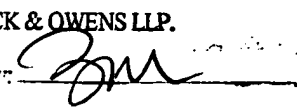

Jonathan O. Owens

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 9/8/08



HAVERSTOCK & OWENS LLP

PATENT, TRADEMARK & COPYRIGHT ATTORNEYS

162 NORTH WOLFE ROAD
SUNNYVALE, CALIFORNIA 94086
TELEPHONE (408) 530-9700
FACSIMILE (408) 530-9797

TO: Lacy Hatkin's
USPTO

Facsimile: 703 746 4658

FROM: Jonathan Owens
HAVERSTOCK & OWENS LLP
162 North Wolfe Road
Sunnyvale, California 94086
Telephone: (408) 530-9700
Facsimile: (408) 530-9797

Date: 7/14/05 Time: 9:00 a.m./p.m.

Pages (including cover): 6 Client Code: Sam 28900

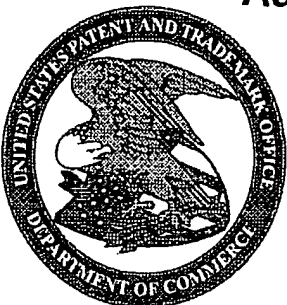
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MESSAGE:

Per your request.

Serial No. 101763,869

Auto-Reply Facsimile Transmission



TO: Fax Sender at 4082239765

Fax Information

Date Received:

Total Pages:

1/31/2005 2:52:27 AM [Eastern Standard Time]
3 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

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01/31/2005 00:13 4082239765

VALLEY OAK LAW

PAGE 01

Attorney Docket No.: SONY-05000

3 pages

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Eytchison

Serial No.: 10/763,869

Filed: January 22, 2004

For: Discovery and Notification of
Services

Art Unit: 2155

Examiner:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir/Madam:

Please find enclosed a copy of form 1449.
The Commissioner is hereby authorized to charge any additional fees
associated with this communication or credit overpayment to Deposit Account
No: 50-1963. A duplicate copy of this authorization is enclosed.

Dated: 1/31/05

Respectfully submitted,

Richard H. Butler

Registration No. 40,932

Please Send Correspondence to:
Valley Oak Law
5555 Silver Creek Valley Road
#106
San Jose, CA 95138
(408)223-9763

I hereby certify that this correspondence and correspondence
referenced herein is being facsimile transmitted to the USPTO Fax
No. (703) 872-8305 on 1/31/05

Richard H. Butler

3 Pages

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner:

TRANSMITTAL

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit overpayment to Deposit Account No: 50-1963. A duplicate copy of this authorization is enclosed.

Registration No. 40,932

Richard H. Butler

3 Pages

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Eytchison

Art Unit: 2155

Examiner:

For: Discovery and Notification of Services

TRANSMITTAL

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit overpayment to Deposit Account No: 50-1963. A duplicate copy of this authorization is enclosed.

Dated: 1/31/05

Registration No. 40,932

I hereby certify that this correspondence and correspondence referenced herein is being facsimile transmitted to the USPTO Fax No. (703) 872-9306 on 11/31/05

1

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

TRANSMISSION VERIFICATION REPORT

TIME : 01/31/2005 00:14
NAME : VALLEY OAK LAW
FAX : 4082239765
TEL : 4082239765
SER.# : BROA3J942815

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

01/31 00:13
17038729306
00:00:50
03
OK
STANDARD
ECM

Transaction Report

Send

Transaction(s) completed

No.	TX	Date/Time	Destination	Duration	P. #	Result	Mode
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HAVERSTOCK & OWENS LLP

PATENT, TRADEMARK & COPYRIGHT ATTORNEYS

162 NORTH WOLFE ROAD
 SUNNYVALE, CALIFORNIA 94086
 TELEPHONE (408) 530-9700
 FACSIMILE (408) 530-9797

TO:

Lacy Hatkin's
USPTO

Facsimile:

703 746 4658

FROM:

Jonathan Owens
HAVERSTOCK & OWENS LLP
 162 North Wolfe Road
 Sunnyvale, California 94086
 Telephone: (408) 530-9700
 Facsimile: (408) 530-9797

Date:

7/14/05

Time:

9:00

a.m./p.m.

Pages (including cover):

6

Client Code:

SAM 28900

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MESSAGE:

Per your request.

Sony-28900



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,869	01/22/2004	Edward Eytchison	Sony-05000	8513

7590 08/25/2005

JONATHAN O. OWENS
HAVERSTOCK & OWENS
162 NORTH WOLFE ROAD
SUNNYVALE, CA 94086

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 08/25/2005

AUG 29 2005



Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

NOTICE UNDER 37 CFR 1.251 - Pending Application

☐ The file on the cover sheet cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the identified application that is not among applicant's records.

☒ The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

IDS and all associated references dated 02/07/05

Therefore, the Office is initiating the reconstruction of such paper(s) pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant's record of such paper(s).

If applicant does not possess any record of the correspondence between the Office and the applicant for the application (or any copy of the paper(s) listed above), applicant must reply to this notice by providing a statement that applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

Failure to reply to this notice in a timely manner will result in abandonment of the above-identified application. The three-month period for reply to this notice may be extended (up to a maximum of six months) under the provisions of 37 CFR 1.136(a). However, failure to reply within this three-month period will result in a reduction of any patent term adjustment. See 37 CFR 1.704(b).

☐ A printout from PALM of the contents of the file of the above-identified application is included with this notice.

Direct the reply to this notice to:

U.S. Patent and Trademark Office
Mail Stop: **Duplicates**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Direct questions concerning this notice to:

Image Assistance Center/ Customer Service

1-(888)-786-0101

P.T.O. Doc Code: R251.NTC (Rev. 03/05)

COMMISSIONER FOR PATENTS

Approved for use through 07/31/2006.OMB 0651-0031
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

In re Application of: EYCHISON, EDWARD
Application No.: 10/763869
Filing Date: 01/22/04
Title: METHODS AND APPARATUSES FOR DISCOVERY AND
NOTIFICATION OF SERVICES

Direct to: U.S. Patent and Trademark Office
Mail Stop: **Duplicates**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

NOTICE UNDER 37 CFR 1.251 – Pending Application

Statement (check the appropriate box):

- ☐ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.
- ☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).
- ☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.
- ☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

Date

Signature

Typed or printed name

A Copy of this notice should be returned with the reply.

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

Serial No.: 10/763,689 H&O File No.: SONY-28900 By: JMO/JP
In the Matter of The Application of: EDWARD EYCHISON
Date Mailed: SEPTEMBER 19, 2005 Due Date: NOV. 25, 2005
The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- | | | |
|--|--|--|
| <input type="checkbox"/> Design Patent Application _____ Pages | <input type="checkbox"/> Form PTO-1533 (Not. of Missing Parts) | <input checked="" type="checkbox"/> Transmittal Letter <input checked="" type="checkbox"/> Duplicate |
| <input type="checkbox"/> Utility Patent Application _____ Pages | <input type="checkbox"/> Form PTOL-85B (Issue Fee Trans.) & dup. | <input checked="" type="checkbox"/> Certificate of Mailing |
| <input type="checkbox"/> Prov. Patent Application _____ Pages | <input type="checkbox"/> Form PTO-1050 (Cert. of Correction) | <input type="checkbox"/> Certificate of Express Mailing |
| <input type="checkbox"/> Declaration/Oath | <input type="checkbox"/> Maintenance Fee Transmittal Form | Label No. _____ |
| <input type="checkbox"/> Power of Attorney _____ | <input type="checkbox"/> Reexamination Request | <input type="checkbox"/> Check(s) \$ _____ |
| <input type="checkbox"/> Assignment | <input type="checkbox"/> Notice of Appeal | <input checked="" type="checkbox"/> Deposit Account Authorization Form |
| <input type="checkbox"/> Form PTO-1594/1595 | <input type="checkbox"/> Affidavit/Declaration | |
| <input type="checkbox"/> Small Entity Statement | <input type="checkbox"/> Copy of Filing Receipt | |
| <input type="checkbox"/> Drawings: _____ Sheets(s) | <input type="checkbox"/> Req. for Corr of: _____ | |
| <input type="checkbox"/> <input type="checkbox"/> Formal <input type="checkbox"/> Informal | <input type="checkbox"/> Request for Non-Publication | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Rescission of Request for Non-Publication | |
| <input type="checkbox"/> Form PTO-1449 and Copies of _____ | <input checked="" type="checkbox"/> COPY OF 2 TRANSMITTAL | |
| References Contained Thereon | <input checked="" type="checkbox"/> COPY OF FORM PTO-1449 | |
| <input type="checkbox"/> Information Disclosure Certification | <input checked="" type="checkbox"/> COPY OF REFERENCE | |
| <input type="checkbox"/> Amendment/Response | <input type="checkbox"/> _____ | |
| <input type="checkbox"/> Extension of Time Request: _____ Months(s) | <input type="checkbox"/> _____ | |
| <input type="checkbox"/> Petition | <input type="checkbox"/> _____ | |
| | <input type="checkbox"/> _____ | |

FOR PTO USE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Group Art Unit:
Edward Eytchison	)	Examiner:
Serial No.: 10/763,689	)	TRANSMITTAL LETTER
Filed: January 22, 2004	)	162 North Wolfe Road
	)	Sunnyvale, California 94086
For: METHODS AND APPARATUSES)	(408) 530-9700
FOR DISCOVERY AND)	
NOTIFICATION OF SERVICES)	Customer Number 28960

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice mailed August 25, 2005 enclosed are the copies of the two transmittals, a copy of Form PTO-1449, and a copy of the reference filed January 31, 2005 for filing with the U.S. Patent and Trademark Office.

The Commissioner is authorized to charge any additional fee or credit any overpayment to our Deposit Account No. 08-1275. **An originally executed duplicate of this transmittal is enclosed for this purpose.**

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: September 14, 2005

By: Jonathan O. Owens
Jonathan O. Owens
Reg. No.: 37,902

Attorneys for Applicant

CERTIFICATE OF MAILING (37 CFR§ 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP
Date: 9/14/05 By: [Signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Group Art Unit:
Edward Eytchison) Examiner:
Serial No.: 10/763,689) TRANSMITTAL LETTER
Filed: January 22, 2004) 162 North Wolfe Road
For: METHODS AND APPARATUSES) Sunnyvale, California 94086
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HAVERSTOCK & OWENS LLP
Date: 9/14/05 By: [Signature]

Attorney Docket No.: SONY-05000

3 Pages

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Eytchison

Serial No.: 10/763,869

Filed: January 22, 2004

For: Discovery and Notification of
Services

Art Unit: 2155

Examiner:

COPY

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Alexandria, VA 22313-1450

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Dated: 1/31/05

Respectfully submitted,

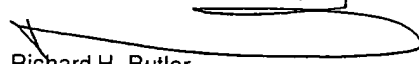


Richard H. Butler

Registration No. 40,932

Please Send Correspondence to:
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5655 Silver Creek Valley Road
#106
San Jose, CA 95138
(408)223-9763

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Richard H. Butler

3 Pages

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Eytchison

Art Unit: 2155

Examiner:

For: Discovery and Notification of
Services

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

of

Application Number	10/763.869
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Filing Date	1/22/2004
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First Named Inventor	Eytchison
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Art Unit	2155
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Examiner Name _____

Attorney Docket Number	sony-05000
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U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

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Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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HAVERSTOCK & OWENS LLP

PATENT, TRADEMARK & COPYRIGHT ATTORNEYS

162 NORTH WOLFE ROAD
SUNNYVALE, CALIFORNIA 94086
TELEPHONE (408) 530-9700
FACSIMILE (408) 530-9797

TO:

Examiner Nathan Flynn

Facsimile:

571.273.1915

FROM:

Jonathan Owens

HAVERSTOCK & OWENS LLP
162 North Wolfe Road
Sunnyvale, California 94086
Telephone: (408) 530-9700
Facsimile: (408) 530-9797

Date:

1/23/07

Time:

9:50 a.m./p.m.

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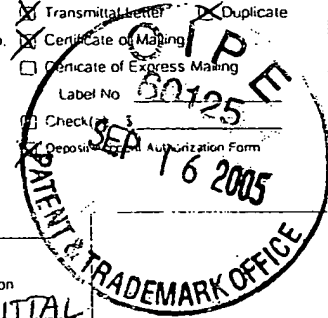
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MESSAGE:

Serial number 101763869

Serial No.: 10/763,684⁸⁶⁹ H&O File No.: SONY-28900 By: JDO/JP
In the Matter of The Application of: EDWARD EYCHISON
Date Mailed: SEPTEMBER 14, 2005 Due Date: NOV. 25, 2005
The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- | | | | |
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| <input type="checkbox"/> Design Patent Application _____ Pages | <input type="checkbox"/> Form PTO-1533 (Not. of Missing Parts) | <input checked="" type="checkbox"/> Transmittal Letter | <input checked="" type="checkbox"/> Duplicate |
| <input type="checkbox"/> Utility Patent Application _____ Pages | <input type="checkbox"/> Form PTOL-85B (Issue Fee Trans.) & dup. | <input checked="" type="checkbox"/> Certificate of Mailing | |
| <input type="checkbox"/> Prov. Patent Application _____ Pages | <input type="checkbox"/> Form PTO-1050 (Cert. of Correction) | <input type="checkbox"/> Certificate of Express Mailing | |
| <input type="checkbox"/> Declaration/Oath | <input type="checkbox"/> Maintenance Fee Transmittal Form | Label No. 60125 | |
| <input type="checkbox"/> Power of Attorney _____ | <input type="checkbox"/> Reexamination Request | <input type="checkbox"/> Check () | |
| <input type="checkbox"/> Assignment | <input type="checkbox"/> Notice of Appeal | <input checked="" type="checkbox"/> Deposit of Authorization Form | |
| <input type="checkbox"/> Form PTO-1594/1595 | <input type="checkbox"/> Affidavit/Declaration | | |
| <input type="checkbox"/> Small Entity Statement | <input type="checkbox"/> Copy of Filing Receipt | | |
| <input type="checkbox"/> Drawings: _____ Sheets(s) | <input type="checkbox"/> Req. for Corr of: _____ | | |
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| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Rescission of Request for Non-Publication | | |
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| References Contained Thereon | <input checked="" type="checkbox"/> COPY OF FORM PTO-1449 | | |
| <input type="checkbox"/> Information Disclosure Certification | <input checked="" type="checkbox"/> COPY OF REFERENCE | | |
| <input type="checkbox"/> Amendment/Response | <input type="checkbox"/> _____ | | |
| <input type="checkbox"/> Extension of Time Request: _____ Months(s) | <input type="checkbox"/> _____ | | |
| <input type="checkbox"/> Petition | <input type="checkbox"/> _____ | | |
| | <input type="checkbox"/> _____ | | |



FOR PTO USE

Serial No.: 10/763,689

H&O File No.: SONY-28900

By: JDO/JP

In the Matter of The Application of: EDWARD EYCHISON

Date Mailed: SEPTEMBER 14, 2005

Due Date: NOV. 25, 2005

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| <input type="checkbox"/> Declaration/Oath | <input type="checkbox"/> Maintenance Fee Transmittal Form | Label No. _____ |
| <input type="checkbox"/> Power of Attorney _____ | <input type="checkbox"/> Reexamination Request | <input type="checkbox"/> Check(s) \$ _____ |
| <input type="checkbox"/> Assignment | <input type="checkbox"/> Notice of Appeal | <input checked="" type="checkbox"/> Deposit Account Authorization Form |
| <input type="checkbox"/> Form PTO-1594/1595 | <input type="checkbox"/> Affidavit/Declaration | |
| <input type="checkbox"/> Small Entity Statement | <input type="checkbox"/> Copy of Filing Receipt | |
| <input type="checkbox"/> Drawings: _____ Sheets(s) | <input type="checkbox"/> Req. for Corr of: _____ | |
| <input type="checkbox"/> <input type="checkbox"/> Formal <input type="checkbox"/> Informal | <input type="checkbox"/> Request for Non-Publication | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Rescission of Request for Non-Publication | |
| <input type="checkbox"/> Form PTO-1449 and Copies of _____ | <input checked="" type="checkbox"/> COPY OF 2 TRANSMITTAL | |
| References Contained Thereon | <input checked="" type="checkbox"/> COPY OF FORM PTO-1449 | |
| <input type="checkbox"/> Information Disclosure Certification | <input checked="" type="checkbox"/> COPY OF REFERENCE | |
| <input type="checkbox"/> Amendment/Response | <input type="checkbox"/> _____ | |
| <input type="checkbox"/> Extension of Time Request: _____ Months(s) | <input type="checkbox"/> _____ | |
| <input type="checkbox"/> Petition | <input type="checkbox"/> _____ | |
| | <input type="checkbox"/> _____ | |

FOR PTO USE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	) Group Art Unit:
Edward Eytchison	) Examiner:
Serial No.: 10/763,689	) TRANSMITTAL LETTER
Filed: January 22, 2004	) 162 North Wolfe Road
For: METHODS AND APPARATUSES	) Sunnyvale, California 94086
FOR DISCOVERY AND) (408) 530-9700
NOTIFICATION OF SERVICES) Customer Number 28960

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Sir:

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Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: September 14, 2005

By: Jonathan O. Owens
Jonathan O. Owens
Reg. No.: 37,902

Attorneys for Applicant

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HAVERSTOCK & OWENS LLP
Date: 9/14/05 By: [Signature]

Attorney Docket No.: PATENT
SONY-28900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Group Art Unit:
Edward Eytchison	)	Examiner:
Serial No.: 10/763,689	)	TRANSMITTAL LETTER
Filed: January 22, 2004	)	162 North Wolfe Road
For: METHODS AND APPARATUSES	)	Sunnyvale, California 94086
FOR DISCOVERY AND)	(408) 530-9700
NOTIFICATION OF SERVICES)	Customer Number 28960

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Reg. No.: 37,902

Attorneys for Applicant

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HAVERSTOCK & OWENS LLP
Date: 9/14/05 By: [Signature]

Attorney Docket No.: SONY-05000

3 Pages

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Eytchison

Serial No.: 10/763,869

Filed: January 22, 2004

For: Discovery and Notification of
Services

Art Unit: 2155

Examiner:

COPY

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Alexandria, VA 22313-1450

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Dated: 1/31/05

Respectfully submitted,

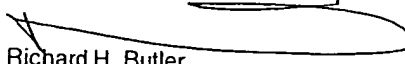


Richard H. Butler

Registration No. 40,932

Please Send Correspondence to:
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5655 Silver Creek Valley Road
#106
San Jose, CA 95138
(408)223-9763

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Eytchison

Art Unit: 2155

Examiner:

For: Discovery and Notification of
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Richard H. Butler

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	10/763,869
Filing Date	1/22/2004
First Named Inventor	Eytchison
Art Unit	2155
Examiner Name	
Attorney Docket Number	sonv-05000

Sheet		of
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U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

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Examiner Signature		Date Considered	
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162 NORTH WOLFE ROAD
SUNNYVALE, CALIFORNIA 94086
TELEPHONE (408) 530-9700
FACSIMILE (408) 530-9797

TO:

Examiner Nathan Flynn

Facsimile:

571.273.1915

FROM:

Jonathan OwensHAVERSTOCK & OWENS LLP
162 North Wolfe Road
Sunnyvale, California 94086
Telephone: (408) 530-9700
Facsimile: (408) 530-9797Date: 1/23/07 Time: 9:50 a.m./p.m.

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MESSAGE:Serial number 101763869



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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,869	01/22/2004 7590 04/18/2008	Edward Eytchison	Sony-05000	8513
JONATHAN O. OWENS HAVERSTOCK & OWENS 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086				
			EXAMINER TURNER, ASHLEY D	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 04/18/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Abandonment**Application No.**

10/763,869

Applicant(s)

EYTCHISON, EDWARD

Examiner

ASHLEY D. TURNER

Art Unit

2154

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 25 November 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Called Attorney left a message for the status of case which has been abandon.

/Nathan J. Flynn/
Supervisory Patent Examiner, Art Unit 2154Ashley D Turner
Examiner
Art Unit: 2154

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

HAVERSTOCK & OWENS LLP

PATENT, TRADEMARK & COPYRIGHT ATTORNEYS

162 NORTH WOLFE ROAD

SUNNYVALE, CALIFORNIA 94086

TELEPHONE (408) 530-9700

FACSIMILE (408) 530-9797

TO:

Examiner Nathan Flynn

USPTO

Facsimile:

571 273 1915

FROM:

Jonathan Owens

HAVERSTOCK & OWENS LLP

162 North Wolfe Road

Sunnyvale, California 94086

Telephone: (408) 530-9700

Facsimile: (408) 530-9797

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5-6-08

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Serial Number 10/763,869

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SUNNYVALE, CALIFORNIA 94086
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Telephone: (408) 530-9700
Facsimile: (408) 530-9797

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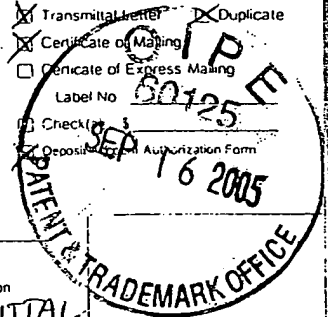
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MESSAGE:

Serial number 101763869

Serial No.: 10/763,684⁸⁶⁹ H&O File No.: SONY-28900 By: JDO/JP
In the Matter of The Application of: EDWARD EYCHISON
Date Mailed: SEPTEMBER 14, 2005 Due Date: NOV. 25, 2005
The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

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FOR PTO USE

Serial No.: 10/763,689

H&O File No.: SONY-28900

By: JDO/JP

In the Matter of The Application of: EDWARD EYCHISON

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FOR PTO USE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Group Art Unit:
Edward Eytchison	)	Examiner:
Serial No.: 10/763,689	)	TRANSMITTAL LETTER
Filed: January 22, 2004	)	162 North Wolfe Road
For: METHODS AND APPARATUSES)	Sunnyvale, California 94086
FOR DISCOVERY AND)	(408) 530-9700
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Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: September 14, 2005

By: Jonathan O. Owens
Jonathan O. Owens
Reg. No.: 37,902

Attorneys for Applicant

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

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Edward Eytchison)	Examiner:
Serial No.: 10/763,689)	TRANSMITTAL LETTER
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Attorneys for Applicant

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Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Eytchison

Serial No.: 10/763,869

Filed: January 22, 2004

For: Discovery and Notification of
Services

)
) Art Unit: 2155
)
)
) Examiner:
)
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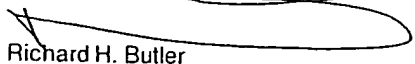


Richard H. Butler

Registration No. 40,932

Please Send Correspondence to:
Valley Oak Law
5655 Silver Creek Valley Road
#106
San Jose, CA 95138
(408)223-9763

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of

Application Number	10/763,869
Filing Date	1/22/2004
First Named Inventor	Eytchison
Art Unit	2155
Examiner Name	
Attorney Docket Number	sony-05000

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Examiner Nathan Flynn

Facsimile:

571.273.1915

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Jonathan OwensHAVERSTOCK & OWENS LLP
162 North Wolfe Road
Sunnyvale, California 94086
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